

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

COMMUNITY FINANCIAL SERVICES  
ASSOCIATION OF AMERICA, LTD., *et al.*

*Plaintiffs,*

v.

CONSUMER FINANCIAL  
PROTECTION BUREAU, *et al.*,

*Defendants.*

Civil Action No. 1:18-cv-295

**DEFENDANTS' MOTION TO EXTEND DEADLINE FOR RESPONSE TO  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Defendants Bureau of Consumer Financial Protection and Mick Mulvaney, in his official capacity as Acting Director of the Bureau, (together, "the Bureau") respectfully move the Court to extend the deadline by which the Bureau must respond to Plaintiffs' Motion for a Preliminary Injunction, ECF No. 42, to October 29, 2018, assuming that the Court in its sound discretion also grants Plaintiffs' motion to lift the stay of this litigation. The Bureau conferred with Plaintiffs regarding this motion, and Plaintiffs stated that they oppose the motion, but that they would not have opposed an extension until October 15, 2018.

In support of this motion, the Bureau states that:

1. This litigation is currently stayed, but Plaintiffs filed an unopposed motion to lift the stay on September 14, 2018. ECF No. 40.

2. Plaintiffs filed their Motion for a Preliminary Injunction on September 14, 2018. Under the Local Rules, the Bureau's response would have been due on September 21, 2018 if this litigation were not stayed. Local Civ. R. 7(e)(2).

3. Good cause exists for granting this extension given the length of Plaintiffs' Motion for a Preliminary Injunction (45 pages), the number of issues raised in that motion, the nine exhibits on which it relies, and the complexity of the Payday Rule at issue in this case. Additional time is needed to allow the Bureau to provide the Court adequate briefing on the numerous arguments Plaintiffs have raised.

4. While conferring with counsel for Plaintiffs about their Motion for a Preliminary Injunction, counsel for the Bureau stated that they would not oppose Plaintiffs' request to exceed the Court's page limitations, ECF No. 41, provided that Plaintiffs did not oppose the Bureau's request for additional time in order to address the arguments in Plaintiffs' oversize brief. As described above, the parties were unable to reach agreement on the requested extension of time.

5. The relief sought by this motion will not prejudice Plaintiffs. Moreover, to the extent that Plaintiffs aver their members are suffering irreparable harm that justifies Plaintiffs' request for a ruling from this Court by November 1 (*see* ECF No. 42 at 2), the current time constraints are largely of Plaintiffs' own making. Plaintiffs did not file this lawsuit challenging the Payday Rule until almost 6 months after that rule was published in the Federal Register. Plaintiffs then waited 94 days after the Court denied the parties' joint motion to stay the compliance date of the Payday Rule, including 38 days after the Court denied Plaintiffs' motion for reconsideration, before submitting their Motion for a Preliminary Injunction. The Bureau and the Court should not be unduly rushed in arguing and adjudicating these issues as a result of

Plaintiffs' own delay. The requested extension would, if granted, give the Bureau 45 days to respond to Plaintiffs' motion.

6. This extension is sought in good faith and not for the purpose of unjust delay.

For the foregoing reasons, the Bureau respectfully moves the Court to extend the deadline for responding to Plaintiffs' Motion for a Preliminary Injunction until October 29, 2018 if it also grants Plaintiffs' motion to lift the stay of this litigation.

Dated: September 17, 2018

Respectfully submitted,

MARY McLEOD  
General Counsel

JOHN R. COLEMAN  
Deputy General Counsel

STEVEN Y. BRESSLER  
Assistant General Counsel

/s/ Kevin E. Friedl  
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*Counsel for Defendants Consumer Financial  
Protection Bureau and John Michael Mulvaney*

**CERTIFICATE OF SERVICE**

I hereby certify that on September 17, 2018, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Kevin E. Friedl

Kevin E. Friedl

*Counsel for Defendants*

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**[PROPOSED] ORDER**

Before the court in the above styled and numbered case is Defendants' Motion to Extend Deadline for Response to Plaintiff's Motion for Preliminary Injunction, filed September 17, 2018. Having considered the motion, the case file, and the applicable law,

**IT IS ORDERED** that Defendants' motion for an extension of time, filed September 17, 2018, is **GRANTED**. Defendants' response to Plaintiffs' Motion for a Preliminary Injunction is due October 29, 2018.

SIGNED this \_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
THE HONORABLE LEE YEAKEL  
UNITED STATES DISTRICT JUDGE